



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.            | CONFIRMATION NO.   |
|---|-------------|----------------------|--------------------------------|--------------------|
| 09/685,736  | 10/11/2000  | Andrew Peter Bradley | 169.1867                       | 3845               |
| 5514  | 7590        | 08/25/2004           |                                |                    |
| FITZPATRICK CELLA HARPER & SCINTO<br>30 ROCKEFELLER PLAZA<br>NEW YORK, NY 10112 |             |                      |                                |                    |
|   |             |                      | EXAMINER<br>AHMED, SAMIR ANWAR |                    |
|   |             |                      | ART UNIT<br>2623               | PAPER NUMBER<br>10 |

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/685,736

Applicant(s)

BRADLEY ET AL.

Examiner

Samir A. Ahmed

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,11-20,22-28,30-39,41-47 and 49-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,7-9,15,16,19,20,26-28,34,35,38,39,45-47,53,54 and 57 is/are rejected.
- 7) ☒ Claim(s) 3-6,11-14,17,18,22-25,30-33,36,37,41-44,49-52,55 and 56 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 2623

1. The amendment filed 5/25/04 have been entered and made of record.
2. In response to the amendment filed 5/25/04, the 112, first paragraph to claims 6, 14, 25, 33, 44, 52 is withdrawn.
3. In response to the amendment filed 5/25/04, the 112, second paragraph to claims 19, 38, 57 is withdrawn.
4. Applicant's arguments filed 5/25/04 have been fully considered but they are not persuasive with regard to claims 1, 9, 20, 28, 39 and 47 for the following reasons:
5. As to claims 1, the Applicant alleges, "Claim 1 is clamping the output value of the discrete sample value [,]" (page 17, line 12-page 18, line 2). The Examiner disagrees. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the features described at page 29, lines 5-23, of the specification) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant alleges, " that is, Sekine et al. discusses the same resolution process is applied to each color signal [,]" (page 19, lines 4-17). The Examiner disagrees. As shown in Figs 21a-c (col. 9, lines 1-7) different interpolation (bi-linear or nearest neighbor) is used for different colors, i.e. different resolution process and not the same resolution conversion process.

Art Unit: 2623

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 7-8, 20, 26-27, 39, 45-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Sekine et al. (U.S. Patent 5,754,710). The grounds for rejections stated in paragraph 7 of the Office Action mailed on 2/25/04 paper number 8, are incorporated by reference herein.

As to claim 1, refer to claim 2 rejection stated in paragraph 7 of the Office Action mailed on 2/25/04 paper number 8, are incorporated by reference herein

As to claims 7-8, 20, 26-27, 39, 45-46, refer to claim 7-8, 20, 26-27, 39, 45-46 rejections stated in paragraph 7 of the Office Action mailed on 2/25/04 paper number 8, are incorporated by reference herein.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2623

9. Claims 9, 15-16, 19, 28, 34-35, 38, 47, 53-54, 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Sekine et al. (U.S. Patent 5,754,710) and Walowite et al. (U.S. Patent 5,131,057). The grounds for rejections stated in paragraph 9 of the Office Action mailed on 2/25/04 paper number 8, are incorporated by reference herein.

As to claim 9, refer to claim 10 rejection stated in paragraph 9 of the Office Action mailed on 2/25/04 paper number 8, are incorporated by reference herein

As to claims 15-16, 19, 28, 34-35, 38, 47, 53-54, 57, refer to claim 15-16, 19, 28, 34-35, 38, 47, 53-54, 57 rejections stated in paragraph 9 of the Office Action mailed on 2/25/04 paper number 8, are incorporated by reference herein.

***Allowable Subject Matter***

10. Claims 3-6, 11-14, 17, 18, 22-25, 30-33, 36-37, 41-44, 49-52, 55, 56 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Objections stated in paragraph 10 of the Office Action mailed on 2/25/04 paper number 8, are incorporated by reference herein.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is

Art Unit: 2623

filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

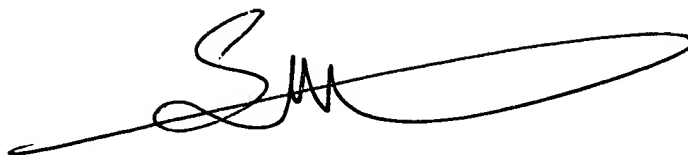
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samir A. Ahmed whose telephone number is 703-305-9870. The examiner can normally be reached on Mon-Fri 8:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on 703-308-6604. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 2623

SA

A handwritten signature in black ink, appearing to be 'SA' with a large, sweeping horizontal stroke extending to the right.

**SAMIR AHMED  
PRIMARY EXAMINER**